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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Cung Le, Nathan Quarry, Jon Fitch, Brandon
Vera, Luis Javier Vazquez, and Kyle
Kingsbury on behalf of themselves and all
others similarly situated,

Plaintiffs,

vs.

Zuffa, LLC, d/b/a Ultimate Fighting
Championship and UFC,

Defendant.

Case No.: 2:15-cv-01045-RFB-(PAL)

**PLAINTIFFS' RESPONSE TO
SUPPLEMENTAL AUTHORITY
REGARDING ZUFFA, LLC'S MOTIONS
TO SEAL ZUFFA'S SUMMARY
JUDGMENT MOTION AND PORTIONS
OF PLAINTIFFS' CLASS
CERTIFICATION REPLY (ECF NO. 592)**

**PLAINTIFFS' RESPONSE TO SUPPLEMENTAL AUTHORITY REGARDING
ZUFFA, LLC'S MOTIONS TO SEAL ZUFFA'S SUMMARY JUDGMENT MOTION AND
PORTIONS OF PLAINTIFFS' CLASS CERTIFICATION REPLY**

Plaintiffs Cung Le, Nathan Quarry, Jon Fitch, Luis Javier Vazquez, Brandon Vera, and Kyle Kingsbury (collectively, "Plaintiffs"), on behalf of themselves and all others similarly situated, hereby file this Response to Defendant Zuffa, LLC's Motion for Leave to File Supplemental Authority Regarding Zuffa's Motions to Seal Zuffa's Summary Judgment Motion And Portions of Plaintiffs' Class Certification Reply (ECF No. 592) (the "Supplemental Authority Motion").

ARGUMENT

Defendant Zuffa, LLC ("Zuffa") seeks leave to file an August 20, 2018 Order from the litigation captioned *Hunt v. Zuffa*, Case No. 2:17-cv-00085 (D. Nev.) (the "*Hunt* Order"), as supplemental authority to support two motions to seal. *See* ECF No 592-1. The Hunt Order does not support Zuffa's motions for the following reasons. First, unlike *Hunt*, *Le v. Zuffa* is a class case in which the absent class members have an abiding interest in understanding the bases of the claims and defenses, and thus there is a "strong presumption in favor of access," *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006).

Second, because the *Hunt* plaintiff did not oppose the motion to seal, the court was not apprised of any arguments in favor of public access, and as a result could not fully weigh the public's presumed right of access against the defendants' desire for confidentiality.

Third, under Local Rule 7-2(d), failure to oppose a motion constitutes *consent* to granting the motion, a fact which the *Hunt* defendants pointed out to the court when no opposition was filed within fourteen days.¹ Not only was no argument raised against sealing, but the court there was arguably obligated to hold in favor of sealing when effectively presented with a consent motion to seal.

¹ *See* Notice of Non-opposition to Renewed Motion to Seal, *Hunt* ECF No. 138, pp. 1-2.

1 Dated: August 31, 2018

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CERTIFICATE OF SERVICE

I hereby certify that on this 31ST day of August, 2018, a true and correct copy of the following document was served via the District of Nevada's ECF system to all counsel of record who have enrolled in the ECF system:

- **PLAINTIFFS' RESPONSE TO SUPPLEMENTAL AUTHORITY REGARDING ZUFFA, LLC'S MOTIONS TO SEAL ZUFFA'S SUMMARY JUDGMENT MOTION AND PORTIONS OF PLAINTIFFS' CLASS CERTIFICATION REPLY (ECF NO. 592)**

By:

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